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BARNES, Judge

Case Summary

Joshua Steelsmith appeals the revocation of his probation and reinstatement of a four-year sentence. We affirm.

Issues

Steelsmith raises two issues, which we restate as:

- I. whether there was sufficient evidence to support the revocation of his probation; and
- II. whether reinstating his four-year sentence was an abuse of the trial court's discretion.

Facts

Steelsmith pled guilty to five counts of Class D felony receiving stolen property in 2002. He was sentenced to nine years on probation. His probation terms required that he provide written verification of employment and written verification of compliance with substance abuse treatment. Steelsmith was on probation when he was charged with five counts of Class C felony child exploitation in June 2007.

The child exploitation charges stemmed from Steelsmith taking digital photographs of two naked sixteen year-old girls on two separate occasions. The victims explained that they were each in a relationship with twenty-five-year-old Steelsmith when he took the photos. He knew both girls were only sixteen years old. Steelsmith showed the images to the girls and one of the girl's cousins.

The State filed a notice of probation violation on June 13, 2007. Along with the violation for the child exploitation charges, the probation department noted that

Steelsmith failed to keep it informed of his change of address, failed to pay court costs, failed to report his arrest within 48 hours, and failed to verify his employment.

The trial court held a probation revocation hearing on August 13, 2007. The trial court found that Steelsmith committed the following violations of his probation terms: (1) he was involved in child exploitation while on probation; (2) he failed to keep the probation department apprised of his change of address; (3) he did not complete the substance abuse treatment program; and (4) he did not provide verification of his employment. The trial court reinstated the remaining four years of his suspended sentence to be served in the Department of Correction. This appeal followed.

Analysis

I. Sufficiency of the Evidence

Steelsmith contends that the State did not present sufficient evidence to support the revocation of his probation. As with other sufficiency questions, we neither reweigh the evidence nor judge the credibility of witnesses. Whatley v. State, 847 N.E.2d 1007, 1010 (Ind. Ct. App. 2006). An alleged violation of probation only has to be proven by a preponderance of the evidence, because a probation revocation hearing is a quasi-civil proceeding. Id. When the alleged probation violation is the commission of a new crime, the State does not need to show that the probationer was convicted of that crime. Id.

The trial court found that Steelsmith committed four violations of probation. On appeal, Steelsmith argues that only three of those findings were not supported by sufficient evidence. He does not address or contest the finding that he committed another crime, child exploitation, while on probation. That finding alone was sufficient to revoke

Steelsmith's probation. See Gosha v. State, 873 N.E.2d 660, 665 (Ind. Ct. App. 2007) ("It is well settled that violation of a single condition of probation is sufficient to revoke probation.") Nonetheless, we will examine the sufficiency of evidence for the violations Steelsmith contends are unsupported.

First, Steelsmith's probation officer testified that she only had two addresses on file for him, but that his arrest report for the child exploitation charges included a new address. This testimony is sufficient to prove by a preponderance of the evidence that Steelsmith failed to notify his probation officer of a change of address. Second, the probation officer testified that Steelsmith only completed an initial evaluation for substance abuse treatment and one session in April 2007, but that he was discharged from the program in June without completing it. Steelsmith contends there was insufficient evidence to prove he did not comply and that it was too early to conclude that he would not have complied if he had more time. Steelsmith was discharged from the program without completing it, which constituted sufficient evidence to prove Steelsmith violated an express term of his probation. The trial court did not have to speculate or predict what could or would have happened if Steelsmith had not been arrested on the child exploitation charges. Third, the probation officer testified that she never received check stubs, timesheets, or any form of verification to show where or how much Steelsmith worked per work. Steelsmith admits that he did not provide his probation officer with verification of past employment, but that such a failure is merely "technical," and he was in "substantial compliance" by merely telling her where he worked. Appellant's Br. p. 9. The testimony of the probation officer was sufficient to prove that Steelsmith violated yet

another express condition of his probation by not providing the required records. We conclude that the trial court had sufficient evidence to revoke Steelsmith's probation.

II. Sentence

Steelsmith also argues that the trial court abused its discretion by reinstating the remaining four years of his suspended sentence to be served in the Department of Correction. He requests, that we should review his sentence under Indiana Appellate Rule 7(B), but this is not the correct standard to apply when reviewing a sentence imposed for a probation violation. Prewitt v. State, 878 N.E.2d 184, 188 (Ind. 2007). We review a trial court's sentencing decision in a probation revocation proceeding for an abuse of discretion. Id. "A defendant may not collaterally attack a sentence on appeal from a probation revocation." Jones v. State, 838 N.E.2d 1146, 1148 (Ind. Ct. App. 2005). Serving a sentence in a probation program is not a right, but rather a "matter of grace" and a "conditional liberty that is a favor." Id.

As long as the proper procedures have been followed in conducting a probation revocation hearing pursuant to Indiana Code Section 35-38-2-3, the trial court may order execution of a suspended sentence upon a finding of any violation by a preponderance of the evidence. Goonen v. State, 705 N.E.2d 209, 212 (Ind. Ct. App. 1999). Specifically, Indiana Code Section 35-38-2-3(g) provides:

If the court finds that the person has violated a condition at any time before termination of the period, and the petition to revoke is filed within the probationary period, the court may:

(1) continue the person on probation, with or without modifying or enlarging the conditions;

- (2) extend the person's probationary period for not more than one (1) year beyond the original probationary period; or
- (3) order execution of all or part of the sentence that was suspended at the time of initial sentencing.

Because we have determined that the trial court properly found Steelsmith violated probation, it was within the trial court's discretion to determine and impose a sanction under Indiana Code Section 35-38-2-3(g). See Prewitt, 878 N.E.2d at 187. The trial court ordered execution of the entire remaining suspended sentence in line with Indiana Code Section 35-38-2-3(g)(3). Given Steelsmith's multiple probation violations and his failure to adhere to probation conditions in the past, the trial court acted well within its discretion by ordering him to serve the remainder of his previously suspended sentence.

Conclusion

The trial court had sufficient evidence to find that Steelsmith violated his probation. The reinstatement of the remaining four years of Steelsmith's suspended sentence was not an abuse of discretion. We affirm.

Affirmed.

SHARPNACK, J., and VAIDIK, J., concur.